

103^D CONGRESS
1ST SESSION

H. R. 3521

To establish a Commission on Crime and Violence.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 1993

Mr. WHEAT introduced the following bill; which was referred to the Committee
on the Judiciary

A BILL

To establish a Commission on Crime and Violence.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds that—

5 (1) there is no more important responsibility of
6 government than the protection of the lives and
7 property of its citizens;

8 (2) a violent crime occurs every 22 seconds in
9 America;

10 (3) the Nation's law enforcement personnel and
11 criminal justice system lack the resources they need
12 to fully maintain law and order;

1 (4) the proliferation of drugs and guns in the
2 last 3 decades has dramatically changed the nature
3 of crime;

4 (5) it has been 27 years since the Brown Com-
5 mission redefined the Federal Government's re-
6 sponse to crime in America; and

7 (6) the Nation must commit itself to an ener-
8 getic, innovative assault on the epidemic of crime in
9 our society, including—

10 (A) alternative forms of sentencing to
11 guarantee swift and sure punishment of crimi-
12 nals, including the Nation's growing number of
13 youth offenders;

14 (B) initiatives by the public and private
15 sectors designed to identify and alleviate the
16 causes of criminal behavior; and

17 (C) an examination of current laws and
18 law enforcement practices to determine where
19 and how resources may be best utilized to fight
20 crime, reduce burdens on courts and jails, and
21 stop recidivism.

22 **SEC. 2. ESTABLISHMENT OF COMMISSION ON CRIME AND**
23 **VIOLENCE.**

24 (a) ESTABLISHMENT.—There is established a com-
25 mission to be known as the “National Commission on

1 Crime and Violence in America” (referred to as the “Com-
2 mission”).

3 (b) MEMBERSHIP.—

4 (1) IN GENERAL.—The Commission shall be
5 composed of 22 members, of whom—

6 (A) 6 shall be appointed by the President;

7 (B) 8 shall be appointed by the Speaker of
8 the House of Representatives, of whom 2 shall
9 be appointed on the recommendation of the mi-
10 nority leader; and

11 (C) 8 shall be appointed by the President
12 pro tempore of the Senate, of whom 6 shall be
13 appointed on the recommendation of the major-
14 ity leader and 2 shall be appointed on the rec-
15 ommendation of the minority leader.

16 (2) GOALS IN MAKING APPOINTMENTS.—In ap-
17 pointing members of the Commission, the President,
18 Speaker, President pro tempore, and the majority
19 and minority leaders shall seek to ensure that—

20 (A) the membership of the Commission re-
21 flects the racial, ethnic, and gender diversity of
22 the United States; and

23 (B) members are specially qualified to
24 serve on the Commission by reason of their edu-
25 cation, training, expertise, or experience in—

- 1 (i) sociology;
- 2 (ii) psychology;
- 3 (iii) law;
- 4 (iv) law enforcement;
- 5 (v) social work; and
- 6 (vi) ethnography and urban poverty,
- 7 including health care, housing, education,
- 8 and employment.

9 (3) DEADLINE.—Members of the Commission
10 shall be appointed within 60 days after the date of
11 enactment of this Act.

12 (4) TERM.—Members shall serve on the Com-
13 mission through the date of its termination under
14 section 8.

15 (5) MEETINGS.—The Commission—

16 (A) shall have its headquarters in the Dis-
17 trict of Columbia; and

18 (B) shall meet at least once each month
19 for a business session.

20 (6) QUORUM.—Twelve members of the Commis-
21 sion shall constitute a quorum, but a lesser number
22 may hold hearings.

23 (7) CHAIRPERSON AND VICE CHAIRPERSON.—
24 Not later than 15 days after the members of the
25 Commission are appointed, the members shall des-

1 designate a Chairperson and Vice Chairperson of the
2 Commission.

3 (8) VACANCIES.—A vacancy in the Commission
4 shall be filled not later than 30 days after the Com-
5 mission is informed of the vacancy in the manner in
6 which the original appointment was made.

7 (9) COMPENSATION.—

8 (A) NO PAY, ALLOWANCE, OR BENEFIT.—
9 Members of the Commission shall receive no
10 pay, allowances, or benefits by reason of their
11 service on the Commission.

12 (B) TRAVEL EXPENSES.—A member of the
13 Commission shall receive travel expenses, in-
14 cluding per diem in lieu of subsistence, in ac-
15 cordance with sections 5702 and 5703 of title
16 5, United States Code.

17 **SEC. 3. DUTIES.**

18 The Commission shall—

19 (1) review the effectiveness of traditional crimi-
20 nal justice approaches in preventing and controlling
21 crime and violence;

22 (2) examine the impact that changes to Federal
23 and State law have had in controlling crime and vio-
24 lence;

1 (3) examine the impact of changes in Federal
2 immigration laws and policies and increased develop-
3 ment and growth along United States international
4 borders on crime and violence in the United States,
5 particularly among our Nation's youth;

6 (4) examine the problem of youth gangs and
7 provide recommendations on how to reduce youth in-
8 volvement in violent crime;

9 (5) examine the extent to which assault weap-
10 ons and high power firearms have contributed to vio-
11 lence and murder in the United States;

12 (6) convene hearings in various parts of the
13 country to receive testimony from a cross section of
14 criminal justice professionals, business leaders, elect-
15 ed officials, medical doctors, and other citizens that
16 wish to participate;

17 (7) review all segments of the criminal justice
18 system, including the law enforcement, prosecution,
19 defense, judicial, corrections components, in develop-
20 ing the crime control and antiviolenace plan;

21 (8) develop a comprehensive and effective crime
22 control and antiviolenace plan that will serve as a
23 blueprint for action in the 1990's;

1 (9) bring attention to successful models and
2 programs in crime prevention, crime control, and
3 antiviolence;

4 (10) reach out beyond the traditional criminal
5 justice community for ideas when developing the
6 comprehensive crime control and antiviolence plan;

7 (11) recommend improvements in the coordina-
8 tion of Federal, State, local, and international bor-
9 der crime control efforts;

10 (12) make a comprehensive study of the eco-
11 nomic and social factors leading to or contributing
12 to crime and violence and specific proposals for leg-
13 islative and administrative actions to reduce crime
14 and violence and the elements that contribute to
15 crime and violence; and

16 (13) recommend means of allocating finite cor-
17 rectional facility space and resources to the most se-
18 rious and violent offenders, with the goal of achiev-
19 ing the most cost-effective crime control and protec-
20 tion of the community and public safety, after—

21 (A) examining the issue of disproportionate
22 incarceration rates among black males and any
23 other minority group disproportionately rep-
24 resented in Federal and State correctional pop-
25 ulations; and

1 (B) considering increased use of alter-
2 natives to incarceration that offer a reasonable
3 prospect of equal or better crime control at
4 equal or less cost than incarceration.

5 **SEC. 4. STAFF AND SUPPORT SERVICES.**

6 (a) DIRECTOR.—

7 (1) APPOINTMENT.—After consultation with the
8 members of the Commission, the Chairperson shall
9 appoint a director of the Commission (referred to as
10 the “Director”).

11 (2) COMPENSATION.—The Director shall be
12 paid the rate of basic pay for level V of the Execu-
13 tive Schedule.

14 (b) STAFF.—With the approval of the Commission,
15 the Director may appoint such personnel as the Director
16 considers to be appropriate.

17 (c) CIVIL SERVICE LAWS.—The staff of the Commis-
18 sion shall be appointed without regard to the provisions
19 of title 5, United States Code, governing appointments in
20 the competitive service and shall be paid without regard
21 to the provisions of chapter 51 and subchapter III of chap-
22 ter 53 of that title relating to classification and General
23 Schedule pay rates.

24 (d) EXPERTS AND CONSULTANTS.—With the ap-
25 proval of the Commission, the Director may procure tem-

1 porary and intermittent services under section 3109(b) of
2 title 5, United States Code.

3 (e) STAFF OF FEDERAL AGENCIES.—Upon the re-
4 quest of the Commission, the head of any Federal agency
5 may detail, on a reimbursable basis, personnel of that
6 agency to the Commission to assist in carrying out its du-
7 ties.

8 (f) PHYSICAL FACILITIES.—The Administrator of the
9 General Services Administration shall provide suitable of-
10 fice space for the operation of the Commission. The facili-
11 ties shall serve as the headquarters of the Commission and
12 shall include all necessary equipment and incidentals re-
13 quired for proper functioning.

14 **SEC. 5. POWERS.**

15 (a) HEARINGS.—The Commission may conduct pub-
16 lic hearings or forums at its discretion, at any time and
17 place it is able to secure facilities and witnesses, for the
18 purpose of carrying out its duties.

19 (b) DELEGATION OF AUTHORITY.—Any member or
20 agent of the Commission may, if authorized by the Com-
21 mission, take any action that the Commission is author-
22 ized to take by this section.

23 (c) INFORMATION.—The Commission may secure
24 from any Federal agency or entity in the executive or leg-
25 islative branch such materials, resources, statistical data,

1 and other information as is necessary to enable it to carry
2 out this Act. Upon request of the Chairperson or Vice
3 Chairperson of the Commission, the head of a Federal
4 agency or entity shall furnish the information to the Com-
5 mission to the extent permitted by law.

6 (d) GIFTS, BEQUESTS, AND DEVISES.—The Commis-
7 sion may accept, use, and dispose of gifts, bequests, or
8 devises of services or property, both real and personal, for
9 the purpose of aiding or facilitating the work of the Com-
10 mission. Gifts, bequests, or devises of money and proceeds
11 from sales of other property received as gifts, bequests,
12 or devises shall be deposited in the Treasury and shall be
13 available for disbursement upon order of the Commission.

14 (e) MAILS.—The Commission may use the United
15 States mails in the same manner and under the same con-
16 ditions as other Federal agencies.

17 **SEC. 6. REPORTS.**

18 (a) MONTHLY REPORTS.—The Commission shall
19 submit monthly activity reports to the President and the
20 Congress.

21 (b) INTERIM REPORT.—Not later than 1 year before
22 the date of its termination, the Commission shall submit
23 an interim report to the President and the Congress con-
24 taining—

1 (1) a detailed statement of the findings and
2 conclusions of the Commission;

3 (2) recommendations for legislative and admin-
4 istrative action based on the Commission's activities
5 to date;

6 (3) an estimation of the costs of implementing
7 the recommendations made by the Commission; and

8 (4) a strategy for disseminating the report to
9 Federal, State, and local authorities.

10 (c) FINAL REPORT.—Not later than the date of its
11 termination, the Commission shall submit to the Congress
12 and the President a final report with a detailed statement
13 of final findings, conclusions, recommendations, and esti-
14 mation of costs and an assessment of the extent to which
15 recommendations included in the interim report under
16 subsection (b) have been implemented.

17 (d) PRINTING AND PUBLIC DISTRIBUTION.—Upon
18 receipt of each report of the Commission under this sec-
19 tion, the President shall—

20 (1) order the report to be printed; and

21 (2) make the report available to the public.

22 **SEC. 7. TERMINATION.**

23 The Commission shall terminate on the date that is
24 2 years after the date on which members of the Commis-

- 1 sion have met and designated a Chairperson and Vice
- 2 Chairperson.

○